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ABSTRACT

The report summarizes unionization activities among college faculty in the United States in 1989. Faculty unionizing continued to increase for the sixth consecutive year and contrasts with decreases in the overall unionized sector. Organized faculty comprised approximately 30% of the professoriate. Faculty unions were successful in 11 of 14 elections. New agents were elected in four elections, while changes in agent status were the result of seven elections. The gulf between private sector and public sector organizing is great, with only one election occurring at a private institution (Post College). The impact of the Supreme Court decision in National Labor Relations Board versus Yeshiva University, which found that faculty are not entitled to bargain under the protection of the National Labor Relations Act, continues to be substantial. The year's activities are reported in terms of agents elected, decertifications, strikes, legislation, and demographic analysis. It is concluded that there were no significant events in academic collective bargaining during the year, with faculty unions concentrating resources on servicing their members and preserving affiliations. Large scale organizing for support staff remains high on the unions' agendas. The absence of new legislation remains a problem for those seeking to organize faculty units. (DB)

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NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS

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Unionization Among College Faculty-1990

INTRODUCTION

Faculty unionization continued to increase in 1989 marking the sixth consecutive year in which such growth was recorded. Although the increases were minimal, they should be contrasted with an environment which continues to show decreases in the overall unionized sector. The percentage of unionization in the American work force is estimated at 17 percent, while organized faculty constitute approximately 30 percent of the professoriate. Faculty continue to accept collective bargaining as a means of regulating their employment relationships. Of the 14 elections held in 1989, faculty unions were successful in 11. In four elections, new agents were elected while in seven, changes in agent status were reported. Three elections resulted in "No-Agent" victories.

As we have previously reported, the gulf between private sector and public sector organizing is inordinate. Only one election (Post College) occurred this year at a private institution. The one voluntary decertification also occurred at a private college. The impact of the decision on the United States Supreme Court in NLRB v. Yeshiva University, 444 U.S. 672 (1980) which found that faculty at that university were managerial employees and not entitled to bargain under the protection of the National Labor Relations Act remains substantial. There is virtually no incentive for the national unions to organize private institutions nor does there appear to be any success by private sector faculty seeking bargaining rights. The number of private sector bargaining agents stands at 70 while at public institutions, the number is 396.

AGENTS ELECTED

Fourteen bargaining agent elections were held in 1989 with four new agents elected including two units at Santa Rosa Junior College, one at Cincinnati Technical College and one at the University of Pittsburgh. Seven "change-of-agent status" elections were reported, all of which resulted in different agents being elected. In four, independent associations voted to affiliate with one of the three national faculty organizations while in three, the faculty dropped their national affiliation and selected Independent agents to represent them. An analysis of faculty union organizing and agent elections follows.

AAUP

The AAUP was involved in six elections, winning four while losing two. At Cincinnati Technical College in Ohio, they defeated "No-Agent" for representation rights for a unit of 135. At the University of Pittsburgh, the joint AAUP/AFT affiliation (United Faculty of the University of Pittsburgh) defeated "No-Agent" by a vote of 329-80.

Two agents which were previously independent, Niagara University, New York and Post College, Connecticut voted to affiliate with AAUP. The Niagara unit contains 140 faculty while Post contains 26.

The AAUP Chapter at Marymount University, Virginia, voluntarily decertified themselves.

At Miami University in Ohio, an MFA/AAUP affiliation was defeated by "No-Agent" by a vote of 416-243.

The AAUP and their affiliates represent faculty at 43 colleges and universities. This includes 25 public and 18 private institutions. Of these, 39 are four-year colleges and four are two-year institutions.

AFT

Seven elections were held involving the AFT and their local affiliates. Of these, the AFT won four while losing three. New AFT locals include the faculty at Santa Rosa Junior College (Sonoma Developmental Center Unit) and an affiliation with the AAUP for the part-time faculty at the University of Pittsburgh. Two units which were formerly independent voted to affiliate with the AFT. These included Owens Technical

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College, Ohio and Parkland College in Illinois. In an election held at the College of DuPage in Illinois, the AFT was on the ballot in a "change-in-agent status" election but was unsuccessful in winning agent affiliation. In an election held at Montana State University, AFT was defeated by "No-Agent".

At Santa Rosa Junior College, Sonoma Developmental Center, the AFT defeated the NEA by a vote of 94-22 for the bargaining rights for a unit of 237. In an election to represent the 1,170 faculty at Santa Rosa Junior College, the AFT was defeated in a run-off election by an independent agent, 477-401. In the initial election, the AFT received 333 votes, independent 242, and NEA 153. Since a plurality was not generated, a run-off election was scheduled. At the University of Pittsburgh, the AFT and AAUP coalition successfully won bargaining rights for a unit of approximately 610 part-time faculty against "No-Agent" by a vote of 329-280. This election was originally held in 1987 but due to a series of challenged votes and other unit clarification issues, the run-off election was not held until 1989.

In two "change-of-agent status" elections, the AFT defeated "No-Agent" for representation rights for units previously designated as independents. At Owens Technical College, they received 66 votes against 5 for "No-Agent" to represent 90 faculty while at Parkland, they received 40 votes against four for "No-Agent". At the College of DuPage, the AFT failed to make the run-off election for a "change-of-agent status" by a vote of NEA 89, independent 86, and AFT 46.

At Montana State University, the AFT was defeated by "No-Agent" for representation rights by a vote of 285-119.

The AFT and their affiliates represent faculty at 135 colleges and universities. This includes 112 public and 23 private institutions. Of these, 44 are four-year colleges, while 91 are two-year.

NEA

The NEA was involved in four elections winning one, losing three. New NEA locals include faculty at the College of DuPage. At Santa Rosa Junior College, NEA was on the ballot in the faculty and the Sonoma Developmental Center units, losing to an Independent agent in the former and the AFT in the latter.

At the College of DuPage, the NEA defeated Independent by a vote of 125-97 for representation rights for a unit of 256 faculty while at Ulster County Community College, New York, faculty voted to disaffiliate and become independent.

The NEA and their affiliates currently represent faculty at 225 institutions. These include 211 public and 14 private colleges. Of these, 33 are four-year colleges, while 192 are two-year institutions.

INDEPENDENT

Independent agents were involved in nine elections winning three while losing six. At Santa Rosa Junior College, they defeated the AFT by a vote of 477 to 401 for representation rights for a unit of 1,170 faculty. In the other Santa Rosa election for the Sonoma Developmental Center, an Independent agent finished third in a four-way race losing to AFT for a unit of 237.

Independent agents were involved in seven "change-in-agent status" elections winning two while losing five. At Ulster Community College, New York, they replaced the NEA and at Pierce College, Washington, they replaced SEIU as the bargaining agent. Independent agents lost five units to national faculty organizations. These included Post College and Niagara University now represented by the AAUP, Owens Technical College and Parkland College now represented by the AFT and the College of DuPage now an NEA affiliate.

Independent agents represent faculty at 42 colleges and universities. These include faculty at 32 public and 10 private colleges. Of these, 15 are four-year colleges while 27 are two-year institutions.

"NO-AGENT" ELECTIONS

"No-Agent" was on the ballot in nine elections winning two, while losing seven. At Montana State University, "No-Agent" defeated the AFT by a vote of 285-119. At Miami University, Ohio, "No-Agent" received 416 to 243 for the MFA/AAUP.

DECERTIFICATIONS

Only one faculty unit was decertified in 1989. At Marymount College, Virginia, the AAUP Chapter voluntarily relinquished their collective bargaining certificate. The unit at Marymount was first organized by the NEA and signed their initial contract in 1975. The AAUP obtained bargaining rights for the 51-person unit in 1988 by a vote of 17-0. Yeshiva litigation had been raised at the university in 1986, however, the Board held that college program coordinators and professional librarians were not managerial employees.

STRIKES

There was only one reported faculty strike in 1989. The NEA local at Youngstown State University engaged

in a one-day work stoppage. The 425-person bargaining unit was first organized by NEA in 1972. The decrease in strike frequency appears consistent with 1989 labor market trends.

LEGISLATION

Although several collective bargaining bills were introduced during 1989, none were enacted. Legislation has been discussed and/or proposed to secure faculty bargaining rights in Maryland, Texas and Wisconsin. For a complete listing of all faculty collective legislation, see Directory, Table 16.

DEMOGRAPHIC ANALYSIS

Due to the proliferation of "other than faculty" bargaining units on college and university campuses, it was decided that a separate directory would be published just listing them. In order to accommodate this change, a new data base was created. The deleted units are listed in Table 18 of the Directory.

Each year the Center attempts to determine the number of college faculty represented by certified collective bargaining agents. While we believe that the total reported, 217,398 is reasonably accurate, several compilation problems should be noted. Listed below are some that we believe are endemic to our task and which should be considered when accessing this data:

1. Collective bargaining units are not generally identified according to number of employees involved but instead, are comprised mainly of titles. For example, a bargaining unit certificate will state that all instructors are to be included without specifying a total. Therefore, there is no way of knowing the exact unit size without an up-to-date semester accounting by an institution's personnel or labor relations department.

2. The number of adjunct faculty is enrollment driven and as a result, widespread fluctuations may occur in any given semester. Since many units are comprised of full-time and adjunct faculty, therefore, without constant revision there is no one number that is valid for each semester.

3. There is no one generally accepted number of teaching faculty in the United States. While several government agencies attempt to tabulate this information, substantial time lags exist between data gathering and publication.

This year's increase of 3.77 percent on the adjusted data base in the number of faculty represented by collective bargaining agreements is somewhat paradoxical. Several reasons most notably, improved reporting procedures by local institutions and national organizations probably account for this. As less independent locals remain, data collection should be improved.

Although the Directory includes data pertaining to collective bargaining in Canada, the demographic analysis applies only to colleges in the United States.

SUMMARY AND CONCLUSIONS

There were no significant events in academic collective bargaining during the past year. Faculty unions appear to have concentrated their resources on servicing their members, and preserving their affiliations. Union organizing attempts met with a mixed degree of success. In two large units at four-year institutions, Miami University, Ohio and Montana State University, "No-Agent" defeated the pro-collective bargaining organizations. These were considered significant inasmuch as victories at these colleges would have brought them under collective bargaining for the first time.

National faculty unions were active in raiding Independent unions and were successful in five of seven attempts. This activity reflects membership growth for the nationals, however, does little to expand the overall collective bargaining base. This type of consolidation and elimination of independent unions was found in numerous other bargaining relationships in other industries and is indicative of mature unions absorbing non-affiliated organizations.

Large scale organizing for support staff and "other-than-faculty" remains high on the unions' agendas and while dimensions of those activities are beyond the scope of this volume, it appears that a shift in organizing resource allocation has occurred.

The absence of any new legislation remains a problem for those seeking to organize faculty units. There is a strong correlation between faculty unionization success rates and enabling collective bargaining legislation. While unions do organize in the absence of legislation, it is a much more difficult process.

There is virtually no organizing in the private sector with little chance seen for a reversal of this policy. While the amount of Yeshiva litigation appears to have been reduced, the decision remains controlling. The only new Yeshiva litigation has been at smaller institutions which, even if organized, would have a minimal impact on the overall dimensions of CBHE. The application of Yeshiva to public sector collective

SUMMARY OF ELECTIONS - 1989

A. AGENTS ELECTED

Institution	State	Unit Size	Vote	Agent Elected	2/4 Year College
Cincinnati Technical College	OH	135	AAUP No Agent	AAUP	2
Santa Rosa Junior College	CA	1170	AFT-333 IND-242 NEA-133 No-Agent-3 RUNOFF IND-477 AFT-401	IND	2
Santa Rosa Junior College (Sonoma Developmental Center)	CA	237	AFT-94 NEA-22 IND-4 No-Agent-1	AFT	2
University of Pittsburgh (Part-time)	PA	660	AAUP/AFT-329 No-Agent-280	AAUP/AFT	4

B. CHANGE IN AGENT STATUS

Institution	State	Unit Size	Vote	New Agent	Former Agent	2/4 Year College
College of DuPage	IL	256	NEA-89 IND-86 AFT-46 No Agent-2 RUNOFF NEA-125 IND-97	NEA	IND	2

B. CHANGE IN AGENT STATUS - Continued

*Niagara University	NY	140	IND AAUP	AAUP	IND	4
Owens Technical College	OH	90	AFT-66 No Agent-5	AFT	IND	2
Parkland College	IL	175	AFT-40 No Agent-4	AFT	IND	2
Pierce College	WA	96 ft 300 pt	SEIU IND	IND	SEIU	2
*Post College	CT	26	AAUP-25 No Agent-0	AAUP	IND	4
Ulster Community College	NY	86	NEA IND	NEA	IND	2

C. CHALLENGE TO AGENT STATUS

No successful challenge to agent status was reported whereby the existing agent lost representation rights.

D. AGENTS DECERTIFIED

Institution	State	Unit Size	Vote	Agent Decertified	2/4 Year College
*Marymount University	VA	51	N/A	AAUP	4

SUMMARY OF ELECTIONS - 1989 - Continued

E. NO AGENT VOTES

Institution	State	Unit Size	Vote	Agent Defeated	2/4 Year College
Miami University	OH	---	No Agent-416 MFA/AAUP-243	MFA/AAUP	4
Montana State University	MT	---	No Agent-285 AFT-119	AFT	4

F. FIRST CONTRACTS SIGNED IN 1989

Institution	State	Unit Size	Agent	Contract Expiration	2/4 Year College
City Colleges of Chicago (Professional Staff)	IL	250	AFT	7/93	2
Hudson County Community College	NJ	45	NJEA/NEA	6/91	2
Hudson County Community College (Administrators)	NJ	23	NJEA/NEA	6/91	2
Massachusetts State Colleges (Part-time)	MA	1050	MTA/NEA	8/92	4

(continued from p. 3)
bargaining remains tangential. the long awaited decision by the Pennsylvania Labor Relations Board concerning the University of Pittsburgh is still on hold and until this matter is resolved there appears to be no movement to applying Yeshiva to other public colleges.

As CBHE enters the 1990's, several challenges remain. the future of CBHE appears secure inasmuch as the percentage of represented faculty and institutions that engage in collective bargaining has remained stable. There has been no diminution in faculty representation. a major challenge to the stability of CBHE is the continued rivalry primarily between the AFT and the NEA. Until some degree of accommodation is reached, it appears that this rivalry will continue and diminish the resources of both organizations. CBHE is approximately 25 years of age and with the passage of time has acquired several unique characteristics. its maturity is becoming self-evident. The limited number of strikes and decertifications signals an acceptance of the process. While the dimensions and shape of CBHE in the years ahead are unknown it is doubtful that any dramatic changes will occur.

FACULTY WORK STOPPAGES - 1989

Only one faculty work stoppage was reported for the 1989/90 fall semester. This is the lowest number of reported strikes since the Center first began to collect strike data in 1966. The decline in strike activity among faculty is consistent with work stoppages among virtually all sectors of the economy. Professors on strike may indeed be a vestige of the past as higher education becomes more mature. Both faculty unions and their administrative counterparts appear to be in agreement that strikes are unproductive and that it is difficult to distinguish between who "won" and who "lost". Approximately thirteen states now permit limited legal public sector strikes after exhausting all impasse procedures. Set forth below is a brief description of the one reported stoppage.

YOUNGSTOWN STATE UNIVERSITY The NEA local engaged in a one-day stoppage over the issues of minimum and maximum salaries, workload and early retirement. The strike was consistent by focusing on "women's issues" including contract provisions pertaining to faculty in allied health, nursing and home economics programs. The unit consists of 425 faculty members and has been represented by NEA since 1972.

TABLE ONE
FACULTY WORK STOPPAGES — 1988

Institution	Agent	2/4 Yr.	Length (Work Days)
Youngston State University (OH)	NEA	4	1

Source: NCSCBHEP

TABLE TWO
STRIKE SUMMARY
"BACK-TO-SCHOOL STRIKES" - FALL SEMESTER
1977-1989

Fall Semester	Number of Strikes
1977	6
1978	10
1979	11
1980	8
1981	4
1982	0
1983	2
1984	6
1985	6
1986	9
1987	3
1988	3
1989	1

Source: NCSCBHEP

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TABLE THREE
FACULTY WORK STOPPAGES IN TWO- AND FOUR-YEAR INSTITUTIONS
1966-1989

	Number of Stoppages		Duration			
			2-Year		4-Year	
	2-Year	4-Year	Mean	Median	Mean	Median
1966	3	1	3	3	150	150
1967	5	1	16.8	13	5	5
1968	1	2	15	15	16.5	16.5
1969	5	1	20.6	21	51	51
1970	3	0	16.7	21	0	0
1971	2	1	15	15	16	16
1972	5	0	22	20	0	0
1973	7	1	21.6	14	42	42
1974	6	3	18.5	12.5	7.7	8
1975	7	2	8.6	9	5	5
1976	4	4	18.5	18.8	7	2
1977	6	7	13.5	9	13.4	18
1978	5	5	11.4	7	6	3
1979	6	7	14.2	12	10.7	10
1980	5	3	9.6	8	22.7	23
1981	3	4	17.3	23	11.8	12.5
1982	4	0	28.8	18	0	0
1983	3	1	10.3	7	2	2
1984	7	2	9.6	3	8.5	8.5
1985	2	4	4	4	6	5
1986	6	6	28	13.5	8.8	10.5
1987	0	3	0	0	2.33	2
1988	2	2	2.5	2.5	11.5	11.5
1989	0	1	0	0	1	1
TOTAL	97	61	15.3	12.5	13.1	10

Source: NCSCBHEP